

Update on copyright

For academic libraries intellectual property remains one of the most critical issues pending before the final days of the 104th Congress. Prior to adjourning around the end of September, the 104th will have acted on several major copyright initiatives including:

Copyright Term Extension Act (S. 483/H.R. 989).

Legislation to extend copyright protection by 20 years

remains to be acted upon prior to adjournment. As previously reported, the full Senate Judiciary Committee voted in June to report this bill to the full Senate. The bill remains before the House Intellectual Property Subcommittee.

Significantly, the version of the legislation approved by the Senate Committee included a preliminary version of a so-called "library exemption" from the 20-year extension under specified circumstances. In the report accompanying the legislation, Senators Paul Simon (D-IL) and Ted Kennedy (D-MA) made clear they would not support the legislation unless the library exemption was modified in a manner mutually acceptable to the library, educational, and proprietary communities or reflected ALA-backed recommendations made to Congress in June by Register of Copyrights Marybeth Peters.

ALA has continued efforts to achieve a negotiated resolution to ensure that the final version the Copyright Term Extension Act placed before the House and Senate includes an appropriately balanced exemption for libraries, archives, and nonprofit educational institutions.

NII Copyright Protection Act (S.1284/H.R. 2441). After three unsuccessful attempts by the House's Courts and Intellectual Property Subcommittee to mark up this controversial legislation and an "indefinite postponement" of what would have been the Senate Judiciary Committee's second hearing on this bill, the NII Copyright Protection Act is widely regarded

Washington Hotline

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by staff on both sides of the Hill to be dead in this Congress.

However, copyright protection does not end with Congress. The U.S. delegation to the World Intellectual Property Organization (WIPO) continues to strongly advocate adoption of comparable proposals in an international treaty to be forged at Geneva's three-week Diplomatic Conference in December. ALA continues

to work with the Digital Future Coalition and other like-minded groups here and abroad to urge international delegates to the conference to defer action on the "Digital Agenda" until an international consensus on how international copyright laws should deal with the complex and evolving issues and industries.

ALA members are strongly encouraged to keep close tabs on this critical matter through the Digital Future Coalition's Web site at <http://www.dfc.org/dfc> or by calling Adam Eisgrau, ALA's legislative counsel in the Washington Office, at (800) 941-8478. International supporters who share copyright protection concerns should also contact ALA's legislative counsel for more information.

Omnibus Patent Act (S.1961). Introduced in the Senate by Judiciary Committee Chairman Orrin Hatch (R-UT) in July, this pending legislation would make a number of changes in patent law, but these changes would not directly impact ALA members. As previously reported, the 140-page package includes a proposal to create a new, fee-funded government corporation called the Intellectual Property Organization (IPO). IPO, headed by a presidential appointee responsible to the secretary of commerce, would replace both the existing Patent and Trademark Office (PTO) and the Library of Congress' Copyright Office.

It is unclear if a hearing on the Omnibus Patent Act will take place before the end of the 104th Congress. ALA and other major library associations have opposed previous efforts to divorce the Copyright Office from the Library of Congress. Should a serious effort be made to advance the IPO proposal, the Washington Office will work to assure that all members of

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Congress understand ALA's long-standing opposition to any measure that would jeopardize the continued growth and comprehensiveness of the library's collection.

Copyright Clarifications Act (H.R. 1861).

This "technical corrections" package contains proposed statutory language that will have the unintended effect of precluding a necessary national debate about whether "ephemeral" reproductions of digital works in the temporary memory of computers are "copies" within the meaning of the Copyright Act. This issue is critical to libraries, educational institutions in every state, and those who build and provide access to the NII.

ALA and other major library organizations are recommending that text of the proposed statute and accompanying report be amended to refer to temporary "reproductions," rather than "copies." In addition, the proposed legislation should be amended to include a non-controversial provision endorsed by the register of copyrights to allow libraries to more effectively use digital technology to preserve

crumbling works of vital interest to scholars, students, and national heritage.

"Multimedia Guideline." The Consortium of College and University Media Centers (CCUMC), in conjunction with many major copyright "proprietor" industry organizations and others, may circulate an agreement for the "fair use" of copyrighted works in multimedia projects prepared by educators and students.

This document has *not* been endorsed by major educational and library organizations and some have specifically rejected it, such as the Association of Research Libraries. Many others are conducting a careful review of the draft at this time. Accordingly, it is premature to refer to or endorse CCUMC's "multimedia guideline" or any similar document in the legislative history of any measure adopted by the current Congress. Full text of the draft "Fair Use Guidelines for Educational Multimedia" is available at <http://www.lib.virginia.edu/dmmc/Copyright/fairuse.html>. Again, we emphasize that this has *not* been endorsed by the library and related education communities. ■



C&RL News 30th anniversary quiz

What do you recall reading in *C&RL News* the past 30 years? To celebrate the *News'* 30th anniversary, the Editorial Board and editors of *C&RL News* have written a series of questions based on news and articles published since its inception in 1966. Five questions (and answers) will be published each month to help you wend your way through the past 30 years of academic librarianship as reported by *C&RL News*.

We hope you have as much fun answering these questions as we did writing them. If you have a question you'd like considered for the quiz please send your suggestion to Mary Ellen Davis at medavis@ala.org.

- 1. What was the median salary paid to a public services librarian at a public academic institution in 1987?**
- 2. In 1993, *C&RL News* published its first article reviewing Internet sources. What field did these resources cover?**
- 3. What college is featured in an article promoting library orientation for college secretarial staff?**
- 4. What is BAMBAM?**
- 5. Why was a cataloging project at Kent State University being watched closely by librarians across the country in the early 1970s?**

1. \$35,004 was the median salary according to an article on academic librarian salaries prepared by Mary Jo Lynch and based on the CUPA (College and University Personnel Association) 1986-87 Administrative Compensation Survey (December 1987). 2. Latin American Studies (July/August 1993). 3. Camden County College, in Joan Getz's article, "Library Orientation for College Secretarial Staff" (May 1990). 4. Bookline Alert: Missing Books and Manuscripts (September 1981). 5. This project, performed under the auspices of the Ohio College Library Center, marked the beginning of the online shared cataloging and the OCLC database (April 1972).